

DATE: FEBRUARY 25, 2020**TIME: 14:42:05****IN THE CIRCUIT COURT OF INDEPENDENCE COUNTY, ARKANSAS
DOMESTIC RELATIONS DIVISION****LUNDEN ALEXIS ROBERTS****PLAINTIFF****V.****CAUSE NO. 32DR-19-187-2****ROBERT HUNTER BIDEN****DEFENDANT****MOTION TO QUASH AND MOTION FOR PROTECTIVE ORDER**

NOW COMES Robert Hunter Biden ("Defendant" herein), by and through his attorney of record, Brent M Langdon of LANGDON★DAVIS, L.L.P., and seeks protection from the Notice of Deposition issued to Defendant, and would show the following:

1. This case is not set for trial until May 13, 2020.
2. On February 24, 2020, Notice of Deposition of Defendant was emailed to undersigned counsel setting the deposition for March 5, 2020. *See Exhibit "A"*.
3. On February 17, 2020, Defendant supplemented his discovery.
4. On February 17, 2020 at 9:18 pm counsel for Plaintiff sent an email stating, "I want to take your client's deposition on either March 3rd or March 5th at 9:00 a.m. in Little Rock. Let me know which day works best for your client. If your client hasn't picked a day by tomorrow at 5:00 p.m., I will pick the day." The undersigned replied immediately that he was unavailable due to a mediation March 3rd and temporary orders hearing March 5th. *See Exhibit "B"*.
5. On February 18, 2020 per Plaintiff's "deadline" prior to 5:00 pm the undersigned provided notice to Plaintiff's counsel that Defendant "can be available April 1, 2020 which would be after all the written discovery would be either received, hearing (if necessary), and time to deliver what may be ordered. My client cannot be available prior to that date." *See Exhibit "B"*.

6. No further discussions were had prior to receiving the attached Notice of Deposition on February 24, 2020 for a deposition to occur within ten (10) days of the notice.

7. Having no response to this attempt to confer in good faith, this request was diligently filed.

8. The undersigned remains set for hearing on March 5, 2020 in Cass County, Texas and is not otherwise available.

9. A deposition taken without leave of court pursuant to a notice under Rule 30(b)(2) shall not be used against a party who demonstrates that, when served with the notice, it was unable through the exercise of diligence to obtain counsel to represent it at the taking of the deposition; nor shall a deposition be used against a party who, having received less than 11 days notice of a deposition, has promptly upon receiving such notice filed a motion for a protective order under Rule 26(c)(2) requesting that the deposition not be held or be held at a different time or place and such motion is pending at the time the deposition is held. *See Ark. R. Civ. P. 32(a)(3)*.

10. In computing any period of time prescribed or allowed by the Rules of Civil Procedure, the day of the service of the notice is not included but the last day is; however if the period of time is less than fourteen (14) days, intermediate Saturdays and Sundays are not included. *See Ark. R. Civ. P. 6*. The Notice of Deposition was received on February 24, 2020 for the deposition to occur on March 5, 2020, which would be the eighth (8th) day per Rule 6.

11. The reasonableness of the Notice of Deposition for Defendant to appear in Little Rock, Arkansas is unduly burdensome and oppressive thereby entitling Defendant to a protective order pursuant to Ark. R. Civ. P 26(c).

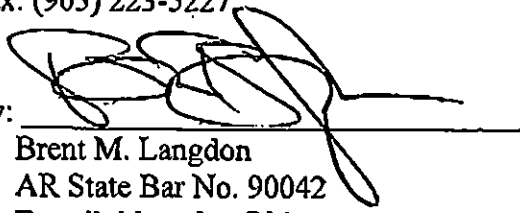
12. Additionally, the unnecessary filing of the Notice of Deposition only ignites media attention and awareness of the deposition which indicates the intent of the Notice of Deposition is

for the purpose to unreasonably "annoy, embarrass, or oppress" Defendant and entitling Defendant to a protective order pursuant to Ark. R. Civ. P 26(c).

FOR THESE REASONS, Defendant, Robert Hunter Biden, seeks a protective order of the Court of and from the Notice of Deposition, for his fees expended in having to file this motion, and for such other and further relief to which he may be entitled.

Respectfully submitted,

LANGDON★DAVIS, L.L.P.
5902 Summerfield, Suite A
Texarkana, TX 75505-5547
Tel: (903) 223-3246
Fax: (903) 223-5227


By: 
Brent M. Langdon
AR State Bar No. 90042
E-mail: blangdon@ldatty.com
Attorney for Defendant

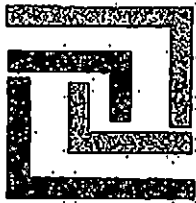
CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on each attorney of record or party on the 25th day of February 2020, as follows:

Clinton W. Lancaster
Jennifer M. Lancaster
LANCASTER & LANCASTER
LAW FIRM, PLLC
P.O. Box 1295
Benton, Arkansas 72018

*Via Electronic Mail clint@thelancasterlawfirm.com
Via Electronic Mail jennifer@thelancasterlawfirm.com*


Brent M. Langdon
Attorney for Defendant



Lancaster & Lancaster Law Firm, PLLC

Clinton W. Lancaster

Jennifer M. Lancaster

413 N. Market Street

P.O. Box 1295

Benton, Arkansas 72015

Tel: (501) 776-2224

Fax: (501) 778-6186

www.TheLancasterLawFirm.com

February 24, 2020

Greg Wallis, CIRCUIT CLERK
County Courthouse
192 E. Main Street
Batesville, AR 72501

BY FIRST CLASS MAIL AND FACSIMILE

**RE: LUNDEN ROBERTS v. HUNTER BIDEN (02578).
IND. CO. CIR. CT. CASE NO.: 32DR-19-187
SECOND NOTICE OF DEPOSITION**

Dear Mr. Clerk:

Please file the enclosed document(s). This document does not need to be sealed. I do not need a return copy as I will download one from court connect.

Thank you.

Sincerely,

Clinton W. Lancaster
Partner, Attorney at Law

Encs.

cc: Brent Langdon (email)



COURT USE ONLY PURSUANT TO ARK. SUP. CT. ADMIN. ORDER NO. 218

IN THE CIRCUIT COURT OF INDEPENDENCE COUNTY, ARKANSAS

LUNDEN ALEXIS ROBERTS

PLAINTIFF

vs.

ROBERT HUNTER BIDEN

DEFENDANT

Case No: 82DR-19-187

1ST DIV.

NOTICE OF DEPOSITION

NOTICE IS HEREBY GIVEN that pursuant to the Ark. R. Civ. P. 30, plaintiff's attorney will take the deposition of the defendant, Robert Hunter Biden, upon oral examination, in the above referenced matter before a notary public or any other duly authorized officer on THURSDAY, MARCH 5, 2020, beginning at 9:00 a.m. and continuing until complete.

The deposition will be taken at BUSHMAN COURT REPORTING, located at 620 WEST 3D STREET, SUITE 302, in LITTLE ROCK, ARKANSAS (72201). The recording method is intended to be both stenographic and by audiovisual means.

That the defendant is requested to bring all exhibits he might introduce at any hearing or trial to the deposition.

Respectfully Submitted,

LANCASTER & LANCASTER
LAW FIRM, PLLC

P.O. Box 1295

Benton, Arkansas 72018

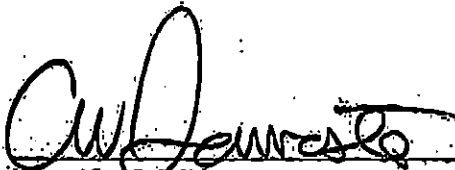
P: (501) 776-2224

F: (501) 778-6186

E: jennifer@thelancasterlawfirm.com

E: clint@thelancasterlawfirm.com

ORIGINAL
LANCASTER LAW FIRM

By: 
 Jennifer M. Lancaster, 2011178
 Clinton W. Lancaster, 2011179


CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been delivered by the below method to the following person or persons:

First Class Mail Facsimile Email AOC/ECF Hand Delivery

Brent Langdon
 blangdon@ldatty.com

on this 24 DAY of FEBRUARY, 2020.


 Clinton W. Lancaster

Brent Langdon

From: Brent Langdon
Sent: Tuesday, February 18, 2020 4:48 PM
To: Jennifer Lancaster
Cc: Clinton W. Lancaster
Subject: RE: Depositions

My client can be available April 1, 2020. That is after the all the written discovery would be either received, hearing (if necessary), and time to deliver what may be ordered. My client cannot be available prior to that date.

Brent M. Langdon
blangdon@datty.com

LANGDON ★ DAVIS
Attorneys and Counselors, LLP

5902 Summerfield, Ste. A
Tomball, Texas 75503
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www.langdondavis.com

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OUR TEAM, YOUR SIDE.

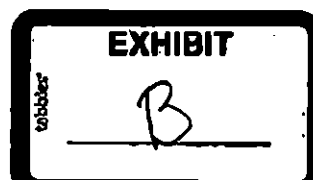


From: Jennifer Lancaster <jennifer@thelancasterlawfirm.com>
Sent: Monday, February 17, 2020 9:21 PM
To: Brent Langdon <blangdon@datty.com>
Cc: Clinton W. Lancaster <clint@thelancasterlawfirm.com>
Subject: Re: Depositions

That date doesn't work for either of us now.

Jennifer M. Lancaster,
Partner, Attorney at Law

LANCASTER & LANCASTER
LAW FIRM, PLLC
jennifer@TheLancasterLawFirm.com
Tel: (501) 776-2224
Fax: (501) 778-6186



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On Mon, Feb 17, 2020 at 9:17 PM Brent Langdon <blangdon@ldatty.com> wrote:

Clint was saying March 12th. I have mediation March 3 and temp orders hearing March 5th.

Reply from Brent's I-phone. Excuse the typos. If you were not the intended respondent to this e-mail, notify and delete. Thank you

From: Jennifer Lancaster <jennifer@thelancasterlawfirm.com>

Sent: Monday, February 17, 2020 8:58:02 PM

To: Brent Langdon <blangdon@ldatty.com>; Clinton W. Lancaster <clint@thelancasterlawfirm.com>

Subject: Depositions

Brent,

I want to take your client's deposition on either March 3rd or March 5th at 9:00 a.m. in Little Rock. Let me know which day works best for your client. If your client hasn't picked a day by tomorrow at 5:00 p.m., I will pick the day.

Thanks.

--
Jennifer M. Lancaster,
Partner, Attorney at Law

**LANCASTER & LANCASTER
LAW FIRM, PLLC**

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